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**DIRECTOR OFFICE
TECHNOLOGY CENTER 2600**

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA CA 94501

In re Application of :
Charles H. Reynolds :
Application No. 09/309,321 : **DECISION ON PETITION**
Filed: May 11, 1999 :
For: **METHOD AND APPARATUS FOR A** :
REMOTELY SWITCHABLE POWER :
SUPPLY :

This is a decision on the petition filed January 26, 2004, under 37 C.F.R. § 1.181(a) to withdraw holding of abandonment. This decision is also responsive to the supplemental information filed via facsimile on May 4, 2004.

The application was held abandoned for failure to respond in a timely manner to the Final Rejection mailed June 10, 2003. The application became abandoned when no further response was received. A Notice of Abandonment was mailed January 15, 2004.

Petitioner alleges to have timely submitted a response to the Office Action. In support of the petition, the Petitioner has included a copy of the return postcard evidencing receipt by the US Patent and Trademark Office (PTO) on October 14, 2003, wherein the postcard itemizes a transmittal letter, fee transmittal, Notice of Appeal, a Return post card Receipt, and Request for One (1) month Extension of Time, all filed on October 9, 2003.

Furthermore, in order to supplement the originally filed petition, on May 4, 2004 petitioner submitted copies of the transmittal sheet, Appeal Brief, request for extension of time, and postcard evidencing timely filing of these items with a Certificate of Mailing dated March 15, 2004 and a copy of a date-stamped postcard evidencing receipt by the PTO of these itemized items on March 19, 2004.

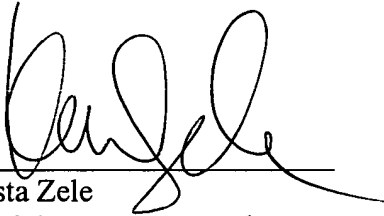
The original papers filed were not matched with the file and cannot be located. However, M.P.E.P. 503 states, "[a] postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the papers (the Notice of Appeal, the Appeal Brief, and their accompanying Requests for Extension of time)

were timely filed in the Patent and Trademark Office but not matched with the application file. The PTO sincerely regrets the inconvenience to petitioner.

In view of the above, the Notice of Abandonment mailed January 15, 2004 is hereby vacated and the holding of abandonment is withdrawn.

The petition is **GRANTED**.

The application will be forwarded to Technology Center's technical support staff for processing of the copy of the Notice of Appeal and its associated Notice of Appeal Fee and Request for ONE month Extension of Time, and for processing of the Appeal Brief. A review of the PTO Revenue and Accounting and Management (RAM) System finds that the fees in the amount of \$640 submitted with the Brief were received and processed on March 19, 2004. From there, the file will be forwarded to the examiner for appropriate action in due course

A handwritten signature in black ink, appearing to read 'Krista Zele', written over a horizontal line.

Krista Zele
Special Program Examiner
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Communications
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